

REMARKS

The Examiner's Claim Rejections under 35 USC § 112

Claims 5, 6, and 8 have been amended to correct the antecedent basis problems. "Means" has been eliminated from claim 5. Following amendment of claim 1, the phrase "the gasket seal" has antecedent basis in claim 1.

The Examiner's Claim Rejections under 35 USC § 102

US Patent Application Publication 2002/0017522

The Examiner rejects claims 1-15 under 35 USC 102 as being anticipated by Bando et al. (US 2002/0017522).

The present invention is directed to a container for wetted wipes, comprising a container body with at least one opening, a stationary cover being fitted on, or integrated to said container body, said stationary cover comprising at least one dispensing opening through which the container contents are removed, a movable lid which is movably attached to said stationary cover, or is an integral movable part of the stationary cover, so as to reversibly close said dispensing opening, the container being characterized in that a gas-proof means is located between said stationary cover and said movable lid, for providing a gas-tight barrier between the inside and the outside of the container when the movable lid is in the closed position. The gas proof means is a gasket seal.

Bando, on the other hand, discloses a container with a hinged lid on a container body. The container body is provided with a catching projection for catching a locking projection formed on the hinged lid. The cited container body has a sealing frame located on the hinged lid which is designed to rest between the groove created by an inner and outer rib on the container body when the lid is in the closed position. A "packing" may be placed in the groove between the inner and outer rib of the container body. This packing may be compressed between the edge of the sealing frame of the hinged lid and the bottom of the groove when the container is closed.

However, the "packing" in the groove created by the inner and outer rib of the container body is not the gasket seal of the instant application. The citation, in order to ensure a seal, requires two structures, the sealing frame and the packing. There is no contemplation of the type of material used to produce the packing, but the term "packing" is not used to describe a gasket seal. Additionally, the sealing frame of the citation, which is a formed integral part of the lid, is not the gasket seal of the instant application, which is a separate structure.

Applicant does not dispute that providing a moisture seal to these types of containers has been acknowledged to be a need. What Applicant does dispute is that the structure of the cited moisture seal anticipates that of Applicant, since its structures are different.

Given that the Bando references fails to close every limitation of the amended claims, Applicants respectfully request withdrawal of the rejection.

The Examiner's Claim Rejections under 35 USC § 103

The Examiner has rejected claims 1-15 under 35 USC § 103(a) as being unpatentable over Bando et al. alone or in view of US 6,206,221 (Bando et al.).

While both of the citations disclose containers for wetted wipes, neither discloses a gas-proof structure in the form of a gasket seal as disclosed in the instant amended claims. In addition, based on a reading of the citations, no motivation would be provided to one of skill in the art to include a gasket seal in the cited containers.

CONCLUSION

In light of the remarks and amendments, Applicants respectfully submit that the applied references and reference combinations do not disclose or render obvious Claims 1-15. In addition, the objections under 35 U.S.C. 112 should be obviated by the remarks or amendments. Accordingly, favorable reconsideration of Claims 1-15 is earnestly solicited in the form of a Notice of Allowance.

Should any issues impeding continuing examination of this Application remain, the Examiner is encouraged to contact the undersigned by telephone at the earliest possible date to achieve a timely resolution.

Respectfully submitted

FOR: OSBORNE, ET AL

By Eileen L. Hughett

Eileen L. Hughett

Registered U.S. Patent Agent

Registration Number 34, 352

Telephone (513) 626-2127 Fax (513) 626-3499

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Customer No. 27752

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Claims**

Please amend claim 1 to read as follows:

1. A container for wetted wipes, comprising a container body, a stationary cover being removably fitted on, or integrated to said container body, said stationary cover comprising at least one dispensing opening through which the container contents is removable, a movable lid which is movably attached to said stationary cover, or is an integral movable part of the stationary cover, so as to reversibly close said dispensing opening, the container being characterized in that a gas-proof means is located between said stationary cover and said movable lid, for providing a gas-tight barrier between the inside and the outside of the container when the movable lid is in the closed position, wherein the gas proof means comprises a gasket seal.

Please amend claim 5 to read as follows:

5. A container according to claim 1, wherein a [the] push-button [means] is an elastically deformable portion of the stationary cover, said push-button [means] being located near enough to [the] protrusions of the stationary cover and the movable lid, to disengage said protrusion of the movable lid from said protrusion of the stationary cover when said push-button is pressed, thus releasing the movable lid into the open position.

Please amend claim 6 to read as follows:

6. A container according to claim 1, further comprising a spring element, wherein the spring element is a metallic single or multiple winding coil spring with elongated ends.

Please amend claim 8 to read as follows:

8. A container according to any of the preceding claims, wherein the gas-proof [gas-tight] means is a gasket seal which is located along the periphery of the dispensing opening.